

REMARKS

This responds to the Office Action dated July 1, 2005. Claims 1 and 29 are amended. No claims are canceled or added. As a result, claims 1-16 and 29-42 remain pending in this patent application.

§112 Rejection of the Claims

Claims 1-16 and 29-32 were rejected under 35 U.S.C. § 112, first paragraph. The Office Action asserts that these claims fail to comply with its enablement requirement, stating:

The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1-16, 29-32 call for a method and device wherein a maximum atrial tracking rate is established based upon a hemodynamic maximum rate indicator. However, the specification establishes the maximum atrial tracking rate based upon calculations of the subinterval that is correlative of the hemodynamic maximum rate indicator and not the indicator itself, which is presently being [claimed].

(Office Action at 2.) Applicant respectfully traverses, on the grounds that at least some of these claims have not been amended or added and, therefore, are part of the specification as originally filed. Moreover, FIG. 2 of the present specification clearly demonstrates an example of how a subinterval is measured (e.g., at 204) and used to compute a hemodynamic maximum rate ("HMR," e.g., at 210). The HMR, in turn, is used to compute a maximum atrial tracking rate ("MATR," e.g., at 218). Therefore, Applicant respectfully submits that these claims are fully supported and enabled by the specification as filed. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claim Amendments

Although Applicant believes that the rejection is improper, for the reasons discussed above, Applicant is nonetheless amending the claims to improve their clarity. Applicant believes that these amendments are non-narrowing. Moreover, Applicant believes that these claim amendments are fully supported by the specification as filed, as discussed above with respect to FIG. 2 of the present patent application, for example. Applicant believes that the claims are allowable, and respectfully requests notification to that effect.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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By their Representatives,

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Date July 14, 2005

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 14 day of July, 2005.

Name

Signature